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PTO/SB/21 (04-04)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/043,010	RECEIVED AUG 19 2004 OFFICE OF PETITIONS
	Filing Date	7/11/02	
	First Named Inventor	Dushinsky	
	Art Unit	1763	
	Examiner Name	Unknown	
Total Number of Pages In This Submission	5	Attorney Docket Number	2076

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Request for reconsideration of Petition under 37 C.F.R. 1.181 (2 pages)		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	David W. Schumaker	
Signature	[Signature]	
Date	8/17/04	

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Typed or printed name	David W. Schumaker	
Signature	[Signature]	Date 8/17/04

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OFFICE OF PETITIONS

Applicants: Ovshinsky
Serial Number: 10/043,010
Filing Date: 01/11/2002
Group Art Number: Office of Petitions
Examiner: Senior Petitions Attorney Christina Tartera Donnell
Title: FOUNTAIN CATHODE FOR LARGE AREA DEPOSITION

Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450
Attention: Office of Petitions,
Senior Petitions Attorney Christina Tartera Donnell
VIA FACSIMILE: 703-872-9306

5 pages are being transmitted (including this cover sheet).

I hereby certify that the below listed correspondence is being transmitted via fax to:
Commissioner for Patents, via the above Facsimile Phone No.

on August 17, 2004
Date

Transmitted herewith is: A Transmittal Form (PTO/SB/21), Fee Transmittal (PTO/SB/17), and Request for Reconsideration of Petition Under 37 C.F.R. 1.181 for Withdrawal of Holding of Abandonment (2 pages).

Signed: 

David W. Schumaker (R. 35,017)
248-299-6047

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Patent

Our Reference: 2076**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Ovshinsky et al.

Serial Number: 10/043,010

Filing Date: January 11, 2002

Examiner/Group Art Unit: Unknown

Title: **FOUNTAIN CATHODE FOR LARGE AREA DEPOSITION**

Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450
Attention: Senior Petitions Attorney Christina Tartera Donnell

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AUG 19 2004

OFFICE OF PETITIONS

Request for Reconsideration of Petition Under
37 C.F.R. 1.181 for Withdrawal of Holding of Abandonment

Sir:

This is a request for reconsideration of the decision dismissing applicant's petition for withdrawal of holding of abandonment under 37 C.F.R. 1.181 (originally mistakenly filed as a petition under 37 C.F.R. 1.137(b) to revive an abandoned application).

The Office contends that the timely filed declaration (in response to the "Notice to File Missing Parts of Nonprovisional Application") did not include the sole inventor's country of citizenship. However, the declaration does state the inventor's country of citizenship (i.e. the United States of America) at lines 1-2 thereof. Thus, the previously submitted petition to withdraw the holding of abandonment under 37 C.F.R. 1.181 is properly supported by the previously submitted evidence.

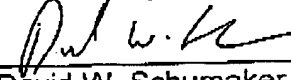
Adjustment date: 08/27/2004 AKELLEY
06/17/2004 CKHLOK 00000002 051068 10043010
01 FC:1453 1330.00 CR
08/27/2004 AKELLEY 00000006 051068 10043010
01 FC:1251 110.00 DA

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Applicant requests that the previously submitted petition for withdrawal of abandonment under 37 C.F.R. 1.181 be granted and that any fees for the petition under 37 C.F.R. 1.181 be charged to our deposit account 05-1068. Applicant further requests that the previously charged fee of \$1,330.00 for the petition under 37 C.F.R. 1.137(b) be credited to our deposit account 05-1068. Finally, applicant requests that the earlier filed response to the "Notice to File Missing Parts of Nonprovisional Application" and the concurrently filed request for one month extension of time be processed and that any fee's required therefor be charged to our deposit account 05-1068.

In conclusion, the dismissal of applicant's petition under 37 C.F.R. 1.181 is in error and should be withdrawn.

Respectfully submitted,


David W. Schumaker
Reg. No 35,017

Date: August 17, 2004
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